Google Inc. et al v. Egger et al

Doc. 623

United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE:

NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS LITIGATION

MDL Docket No 06-1791 VRW

ORDER

This document relates to:

Shubert et al v Bush et al, No C 07-0693

_______________________________________/

On May 5, 2009, the plaintiffs herein submitted to the court a letter advising the court of the Ninth Circuit's April 28, 2009 opinion in Mohamed v Jeppesen Dataplan, Inc, No 08-15693. Doc #25/MDL Doc #610. Referring to the instant case, the letter notes that "[t]he government moved to dismiss the entire case on state secrets grounds in May 25, 2007 [sic] and oral argument on the motion took place on August 30, 2007." The letter makes no reference to the fact that the motion in question, MDL Doc #295, was terminated by order of the court on March 31, 2008 with express leave granted to the moving party to "petition the court to reopen these motions if the circumstances so warrant." Doc #438.

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To date, the United States has not petitioned the court to reopen the motion to dismiss this case. Should the United States ever do so, it is directed to address in its petition the applicability of the Ninth Circuit's opinion in Mohamed v Jeppesen Dataplan.

IT IS SO ORDERED.

VAUGHN R WALKER
United States District Chief Judge

United States District Court
For the Northern District of California